

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MUKHTAR NAHSHAL and MOHAMED NASHAL,

Civil Action No.:

Plaintiffs,

-against-

NOTICE OF REMOVAL

BOYISE EDDIE DENMARK and MILLER AUTO
LEASING CO.,

Defendants.
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TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendants-Petitioners, BOYISE EDDIE DENMARK and MILLER AUTO LEASING
CO., file this notice to remove the foregoing case to the United States District Court for the
Southern District of New York, and respectfully shows this Court:

1. A civil action was commenced in the Supreme Court of Bronx County, State of
New York, in which the above-named individuals, MUKHTAR NAHSHAL and MOHAMED
NAHSHAL, are the plaintiffs and the petitioners are defendants BOYISE EDDIE DENMARK
and MILLER AUTO LEASING CO. The action is entitled MUKHTAR NAHSHAL and
MOHAMED NAHSHAL v. BOYISE EDDIE DENMARK and MILLER AUTO LEASING
CO., and bears Index Number 29243/2020E.

2. This action involves a controversy between a citizen of the State of New York, a
citizen of the state of Florida and a company organized under the laws of the State of New Jersey
and its principal business in the State of New Jersey in that: (a) the plaintiffs MUKHTAR
NAHSHAL and MOHAMED NAHSHAL are now, and were at the time said action was
commenced, residents of the State of New York, (b) petitioner Boyise Eddie Denmark is now,
and was at the time said action was commenced, a resident of the State of Florida and (c)

defendant Miller Auto Leasing Co. is now, and was at the time of the accident and remains a company organized under the laws of the State of Jersey, with its principal place of business in the State of New Jersey.

3. The above action was commenced against defendants-petitioners on or after August 22, 2020 by service of the Summons and Complaint. A copy of the Complaint is annexed hereto as **Exhibit “A”**.

4. This is a civil action seeking damages arising out of a motor vehicle accident allegedly caused by the defendants’ negligence. The addendum demands an amount which exceeds the jurisdictional limits of all lower Courts. Accordingly, the amount in controversy in this suit is in excess, exclusive of interest and costs, of \$75,000.

5. Said action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332 and 28 U.S.C. § 1441. There is complete diversity of citizenship between the plaintiffs and the defendants.

6. Defendants BOYISE EDDIE DENMARK and MILLER AUTO LEASING CO., are the petitioners for the removal of this case to this Court.

7. This motion is filed within thirty (30) days after service of the Summons and Complaint by the plaintiff on the defendants-petitioners BOYISE DENMARK and MILLER AUTO LEASING CO.

8. Written filing of this motion will be given to the plaintiffs promptly after the filing of this motion, as is required by law.

9. A true and correct copy of this motion will be filed with the Clerk of the Supreme Court of Bronx County, State of New York promptly after the filing of this motion, as is required by law.

10. Attached to this motion, and by reference made a part hereof, are true and correct copies of all process, pleadings and orders filed in the aforesaid action.

11. By filing this Notice of Removal, defendants-petitioners do not waive any defense which may be available to them, specifically including, but not limited to, the right to contest in personam jurisdiction over the defendants-petitioners, improper service of process upon the petitioners, and the absence of venue in this Court or in the court from which the action has been removed.

WHEREFORE, defendants-petitioners pray that this action proceed in this Court as an action properly removed thereto.

Dated: New York, New York
November 23, 2020

Yours etc.,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: Sheryl S. Fyffe

SHERYL S. FYFFE (SG-7134)

Attorneys for Defendants

**BOYISE EDDIE DENMARK and
MILLER AUTO LEASING CO.**

77 Water Street, Suite 2100

New York, New York 10005

(212) 232-1300

To: Shaun Gregory White
SLATER SGARLATO & CAPPELLO, P.C.
Attorneys for Plaintiffs
MUKHTAR NAHSHAL and
MOHAMED NAHSHAL
1298 Victory Blvd.
Staten Island, New York 10301
(718) 448-6400
File Nos. 5402(a) and 5402(b)

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of November, 2020, the foregoing document, **NOTICE OF REMOVAL**, was served via first class mail upon:

Shaun Gregory White
SLATER SGARLATO & CAPPELLO, P.C.
Attorneys for Plaintiffs
MUKHTAR NAHSHAL and
MOHAMED NAHSHAL
1298 Victory Blvd.
Staten Island, New York 10301
(718) 448-6400
File Nos. 5402(a) and 5402(b)

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

Dated: New York, New York
November 25, 2020

By: Sheryl S. Fyffe
Sheryl S. Fyffe (SG-7134)

LEWIS BRISBOIS BISGAARD & SMITH LLP

Index No. 29243/2020

File No.: 29881.278

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MUKHTAR NAHSHAL and MOHAMED NASHAL,

Plaintiffs,

-against-

BOYISE EDDIE DENMARK and MILLER AUTO
LEASING CO.,

Defendants.

NOTICE OF REMOVAL

LEWIS BRISBOIS BISGAARD & SMITH LLP

Counsel for Defendants

*Office Address & Tel. No.: 77 Water Street, 21ST Floor
New York, New York 10005
(212) 232-1300*

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Signature: _____

Print Signer's Name: _____

Service of a copy of the within
admitted.

is hereby

Dated:

Attorney(s) for Defendants